

## **Michigan Association of Planning Summary of Changes**

HB 4398, Michigan Zoning Act:  
Unification of the Zoning Statutes

### **What are the Benefits?**

1. One zoning enabling act instead of three—this is especially significant when it comes to future amendments;
2. Fewer pages to read, search or duplicate and less time to process any future changes or even to prepare or digest training materials on changes;
3. Common procedures for public hearing notices;
4. Common powers and responsibilities (except in a few places like referenda);
5. No longer having to remember many differences between the acts and making irrelevant whether or not there was a rational reason for the differences;
6. Simplifying citations and more cross references;
7. Elimination of archaic language (e.g. herein, wherefore and thereto);
8. Ease of use and reference due to a simpler organization with separate articles for similar topics; and
9. Creation of a structure that is easier to amend in the future.

### **What would be different?**

1. Notices of public hearings in townships and counties are changed to match those of cities and villages; instead of two times once not less than 20 nor more than 30 days before the hearing and once not less than eight days before the hearing, the time is changed to once not less than 15 days before the hearing.
2. Adding interim zoning as an option for cities and villages that have never adopted zoning
3. Alternate members could serve on a zoning board of appeals hearing for any absence by a regular member, not just when there would be 2 absences in a row or for more than 30 days (as the statute is now in townships and counties)
4. Elimination of state review of county zoning ordinances and amendments.

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### **What Unique Provisions Would be Retained?**

Some of the unique provisions relative to particular jurisdiction types were retained because changing them was likely to be controversial. These differences may be subject to amending legislation at a future time. Examples include:

1. Townships and counties still cannot regulate oil and gas wells at the wellhead.
2. Townships and counties still have referenda on adoption of the original ordinance and on rezonings or text changes.
3. Cities and villages still have the protest petition (aka as the abutter's challenge) to consider on rezoning challenges.
4. Cities and villages still cannot use condemnation of nonconforming uses to build public housing.